

REMARKS

These remarks are directed to the office action mailed February 27, 2008, setting a three month shortened statutory period for response which expired on May 27, 2008. A one month extension request and required fee authorization accompanies this amendment to reset the period so as to expire on June 27, 2008. The office action issued by the Examiner and the citation referred to in the office action have been carefully considered.

Prompt reconsideration is requested in view of the above claim amendments and the following remarks. Claim 1 has been amended and claim 14 has been added. Claims 11-13 have been cancelled. Claims 1-3 and 14 are now currently pending.

Claim Rejections under 35 USC § 103

Claims 1-3 have been rejected under 35 USC §103(a) as being unpatentable over Barfield et al. (U.S. Patent Number 4,618,073).

In the office action of February 27, 2008, the Examiner states that “Bartfield does not specifically disclose the store of cups comprising a plurality of different sizes.” However, the Examiner states that “a cup as broadly construed is a vase” and that “it would have been obvious to one of ordinary skill in the art...to modify the teaching of Bartfield to include a store of cups comprising a plurality of different sizes because the dispenser would be able to provide a greater selection of articles to be dispensed.”

Applicant submits that due to a significant difference in function between a cup and a vase, there is no motivation for one of ordinary skill in the art to modify Bartfield's device to dispense multiple cups of different shapes. The primary function of a cup is for containing liquids. Therefore, to a user in need of a cup to contain a liquid that conforms to whatever shape of the cup, the shape of the cup would not matter and a single type would be adequate. However, the function of a flower vase is not to contain a liquid, but a solid flower. Therefore, because

flowers and flower bouquets come in all shapes and sizes, a plurality of shapes for flower vases is required.

New claim 14 recites a dispensing assembly for flower vases comprising a dispensing mechanism that is not taught or suggested by Bartfield.

Applicant submits that the cited references do not teach or suggest all of the elements and limitations of claims 1 and 14. Therefore, independent claims 1 and 14 and the claims dependent therefrom are not obvious and are patentable under 35 USC §103. The examiner is respectfully requested to reconsider and now withdraw the examiner's rejection.


Conclusion

In view of the above, it is respectfully submitted that this application is now in good order for allowance, and such early action is respectfully solicited. Should matters remain, which the Examiner believes could be resolved in a telephone interview, the Examiner is requested to telephone Applicant's undersigned attorney.

The Director is authorized to charge any additional fee(s) or any underpayment of fee(s), or to credit any overpayments to **Deposit Account Number 50-2638**. Please ensure that Attorney Docket Number 072998-013000 is referred to when charging any payments or credits for this case.

Date: June 27, 2008

Respectfully submitted,


Christopher Darrow
Reg. No. 30,166

GREENBERG TRAURIG, LLP
2450 Colorado Avenue, Suite 400E
Santa Monica, CA 90404
Phone: (310) 586-7700
Fax: (310) 586-7800
E-mail: laipmail@gtlaw.com
LA 127,261,853v1